

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
DIVISION 70
THE HONORABLE WILLIAM F. MAUER, SENIOR JUDGE

STATE OF MISSOURI,

Plaintiff,

v.

No. CR03-06321

KEITH L. CARNES,

Defendant.

TRIAL TRANSCRIPT EXCERPT
TESTIMONY OF FELICIA MARIA JONES
APRIL 19, 2005

On Tuesday, April 19, 2005, the above cause came on for hearing before THE HONORABLE WILLIAM F. MAUER, Senior Judge of the Jackson County Circuit Court at Kansas City, Missouri.

APPEARANCES

For the Plaintiff:

MS. DAWN M. PARSONS
Prosecuting Attorney's Office
16th Judicial Court of Missouri
Jackson County Courthouse, 11th Floor
415 East 12th Street
Kansas City, MO 64106

For the Defendant:

MR. WILLIS L. TONEY
Attorney at Law
1100 Main, Suite 600
Kansas City, MO 64108

(The following proceedings were had in open court on Tuesday, April 19, 2005, in the presence of the jury. The defendant was present.)

THE COURT: Call your witness.

MS. PARSONS: Thank you, Your Honor. The State of Missouri calls Felicia Jones to the stand.

Ma'am, walk up to the stand. It's up here. You'll have to step over this cord. And then the judge will swear you in.

THE COURT: Raise your right hand, please.

FELICIA MARIA JONES

having been sworn by the Court, testified:

DIRECT EXAMINATION

BY MS. PARSONS:

Q. Ma'am, could you introduce yourself to the ladies and gentlemen of the jury?

A. Yes. My name is Felicia Maria Jones.

Q. Miss Jones, how old are you?

A. Thirty-five.

Q. I want to ask you, do you have any criminal convictions?

A. Yes, I do. I have possession, paraphernalia, and aggravated battery.

Q. Okay. Do you have anything from the state of Kansas?

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NO.	DESCRIPTION	OFFERED	RECEIVED
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A. Oh, that was from the state of Kansas, aggravated battery.

Q. Okay. When did you get your aggravated battery?

A. When I was 17 years old.

Q. And did you receive a sentence for that?

A. Five to 20 years.

Q. In the penitentiary?

A. Yes.

Q. How much time did you do?

A. I'd say around the first time I did maybe a year or maybe two, and then I did 120 days when they valleyed me. Then I did five years of paper I walked through.

Q. Paper is probation, right?

A. Yes. Yes, ma'am.

Q. So, then, you told the jurors that you had a possession charge. Was that possession of a controlled substance?

A. Yes, ma'am.

Q. And you also said possession of drug paraphernalia?

A. Yes.

Q. Did you go to the penitentiary for that?

A. Yes. I received time in the penitentiary.

Q. Was that in the state of Missouri?

A. Yes.

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Exhibit AA (Jones' April 2005

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1 Q. And, actually, you got out of the penitentiary last
 2 Wednesday, right?
 3 A. Yes.
 4 Q. All right. Let's talk about why we're here today.
 5 Do you know the defendant, Keith Carnes?
 6 A. Well, I don't know him as Keith Carnes. I know him
 7 as another name.
 8 Q. What do you know him as?
 9 A. Tre.
 01:23PM 10 Q. Okay. So the person sitting right here is Tre?
 11 A. Yes, ma'am.
 12 Q. How do you know him?
 13 A. Well, he was one of the guys that I bought rock
 14 from before.
 15 Q. Okay. What's rock?
 16 A. Rock cocaine.
 17 Q. Okay, and I want to go back to October of 2003.
 18 Okay?
 19 A. Uh-huh.
 01:23PM 20 Q. A couple years ago.
 21 A. All right.
 22 Q. At that time do you remember where you were living?
 23 A. Off and on on the streets, high on drugs.
 24 Q. All right. At that time you just told us you were
 25 on drugs. Were you using crack?

5

1 A. Yes.
 2 Q. Did you buy your crack from the defendant?
 3 A. I bought it from him before on 39th Street off and
 4 on, different places whenever I saw him, but I had
 5 other dope dealers that I bought it from.
 6 Q. Okay. Can you estimate for the jury how many times
 7 you may have bought drugs from the defendant?
 8 A. Not really, no. Maybe more than ten times or
 9 whatever, but it's never been a real quantity.
 01:24PM 10 Maybe a \$10 rock or a \$20 rock here and there.
 11 Q. Okay, and when you used to interact with the
 12 defendant that you know as Tre, did he look
 13 different than he does today?
 14 A. Still looked nice looking, the same. Wore a black
 15 patch over his eye.
 16 Q. Had a patch over his eye?
 17 A. Uh-huh.
 18 Q. Is that a yes?
 19 A. Yes.
 01:25PM 20 Q. The court reporter has to write down everything
 21 you're saying.
 22 A. Yes.
 23 Q. That's okay. We've all been doing it.
 24 All right. On October-- I want to direct your
 25 attention to October 6th of 2003. Okay?

6

1 A. (The witness nodded her head.)
 2 Q. Do you remember that day at all?
 3 A. Vaguely. I remember different pieces, but not
 4 much.
 5 Q. All right. Let's start with what you remember.
 6 Do you remember if you were in the area of 29th and
 7 Olive?
 8 A. I'm always in the area.
 9 Q. Why?
 01:25PM 10 A. Because that was my stomping grounds.
 11 Q. And what were you stomping there for?
 12 A. It's a thing. Stomping grounds is where I hang out
 13 at. That's my hood.
 14 Q. Okay. Is that where you would see the defendant?
 15 A. Well, at first Tre wasn't around that area, but
 16 then he came around that area. But that's where I
 17 saw him, you know, when I did see him, so. . .
 18 Q. Where did you see him when you saw him in that
 19 area?
 01:26PM 20 A. At apartment buildings off of Olive. I can't
 21 remember exactly what apartment building. It was
 22 one of the apartment buildings.
 23 Q. And what was going on at that apartment building?
 24 A. They'd sell dope.
 25 Q. Okay. Did you go there to buy drugs ever?

7

1 A. Yes. That was a main place to go buy dope at.
 2 That was the dope, drugs.
 3 Q. Okay, and you were using crack at the time, so you
 4 knew where to go?
 5 A. Yeah.
 6 Q. Talking about October 6th in the evening, you had
 7 just told us you vaguely remember that time. Tell
 8 us what you remember.
 9 A. I remember talking to someone and hearing gunshots
 01:26PM 10 and the gunshots was just going off and then I
 11 jumped into a trick car and we pulled down the
 12 street and when I came back, they had yellow
 13 thingies around Fish Town, the police did. That's
 14 basically it.
 15 Q. All right. You said you jumped into a trick car.
 16 What's that?
 17 A. It's a john, someone who buys women's body.
 18 Q. All right, and was that trick buying your body?
 19 A. Well, not after hearing the gunshot, no.
 01:27PM 20 Q. Okay. All rightee. At that time were you high on
 21 crack?
 22 A. Yes. Very.
 23 Q. Okay. When you're high on crack, does it impair
 24 your ability to see or hear?
 25 A. It causes me to hallucinate.

8

1 Q. Okay. Now, did you talk to the police about what
 2 happened, the shots and everything? Did you talk
 3 to the police that night?
 4 A. **No, I don't think so. No.**
 5 Q. Okay. Did you ever talk to the police?
 6 A. **Apparently I did. You all got me standing on the**
 7 **stand, yes.**
 8 Q. Okay. Do you remember speaking to the police?
 9 A. **No, I do not.**
 01:27PM 10 Q. Okay. I'm going to show you what I have marked for
 11 evidence as State's Exhibit 45.
 12 MR. TONEY: Judge, may we approach,
 13 please?
 14 *(Counsel approached the bench and the*
 15 *following proceedings were had.)*
 16 MR. TONEY: Your Honor, for the record
 17 I want to object that the witness-- The State is
 18 going to try to impeach their own witness with her
 19 prior statement that we were never allowed to be
 01:28PM 20 present or my client--
 21 THE COURT: Who were never allowed to
 22 what?
 23 MR. TONEY: Judge, the statement that was
 24 given to the police, all right, we were never
 25 allowed. My client would have never been allowed

9

1 to confront or cross-examine her about this
 2 statement because that statement was given to the
 3 police officers, not under oath, not a deposition,
 4 just a statement that she gave to the police.
 5 Okay?
 6 Our objection is that it denies my client
 7 the right to cross-examine her about this statement
 8 because she's saying she doesn't even remember
 9 giving a statement. Under the Missouri law, it
 01:28PM 10 says that it is discretionary to the trial court
 11 whether or not you allow them to do that. We would
 12 submit that it infringes upon my client's Sixth
 13 Amendment right.
 14 MS. PARSONS: He has the opportunity to
 15 cross-examine her about the statement. I'm
 16 entitled to impeach her with the prior inconsistent
 17 statement. I'm also entitled to lay the foundation
 18 to attempt to admit this as an inconsistent
 19 statement.
 20 MR. TONEY: Your Honor, it only becomes
 21 inconsistent if she says that she didn't make the
 22 statement. If she doesn't remember what was in
 23 it--
 24 THE COURT: She didn't say she didn't make
 25 it. She said she didn't remember it.

10

1 MR. TONEY: Correct, so it's not
 2 inconsistent yet.
 3 THE COURT: All right. The objection is
 4 overruled.
 5 *(The proceedings returned to open court.)*
 6 Q. *(By Ms. Parsons)* All right. I'm going to show as
 7 soon as I get this microphone situated. I show you
 8 what I've marked for identification as State's
 9 Exhibit 45. Do you recognize this?
 01:30PM 10 A. **Yes. This is what we just seen, I seen in the**
 11 **office a minute ago.**
 12 Q. You were in my office a few minutes ago?
 13 A. **Yes, ma'am.**
 14 Q. And I showed this to you?
 15 A. **Yes, ma'am.**
 16 Q. Do you recognize it as what?
 17 A. **It says it's a statement from--a statement of**
 18 **Felicia Jones taken at the office of the Victim**
 19 **Crimes Division.**
 01:30PM 20 Q. Okay. At the bottom of State's 45, which is a
 21 four-page document, do you see your initials?
 22 A. **Yes, ma'am.**
 23 Q. Are those your initials?
 24 A. **Yes.**
 25 Q. And on page 2 of State's 45 do you see your

11

1 initials?
 2 A. **Yes, I do.**
 3 Q. And at page 3 do you see your initials?
 4 A. **Yes.**
 5 Q. "F.M.J."?
 6 A. **Yes.**
 7 Q. On page 4 do you see your signature?
 8 A. **Yes, ma'am.**
 9 Q. Is that your signature?
 01:30PM 10 A. **Yes, it is.**
 11 Q. Did you sign this?
 12 A. **That is my signature.**
 13 Q. All right. And State's 45, it's a four-page
 14 statement?
 15 A. **Uh-huh.**
 16 Q. And it is different than what you just told us
 17 today--
 18 A. **Uh-huh.**
 19 Q. --because it details what happened, correct?
 01:31PM 20 A. **I don't know. I didn't read it. I haven't read**
 21 **it.**
 22 Q. All right. You want to take a moment and read it?
 23 A. **No. I really don't.**
 24 Q. Have you read it before?
 25 A. **I don't know. I might have.**

12

1 Q. Well, you know it's important to me. I need to
 2 know. I need you to take a moment.
 3 THE COURT: Excuse me, Ms. Parsons.
 4 Approach the bench.
 5 *(Counsel approached the bench and the*
 6 *following proceedings were had.)*
 7 THE COURT: You may give her that
 8 statement. Ask her to look it over privately, not
 9 to read it, so she can refresh her recollection.
 01:31PM 10 If that works, okay.
 11 MS. PARSONS: Okay.
 12 *(The proceedings returned to open court.)*
 13 Q. *(By Ms. Parsons)* Miss Jones, obviously it's
 14 important to me, so I want you to take a moment to
 15 review this privately to yourself. Read it, you
 16 don't have to read it out loud, and then we'll go
 17 from there. Okay?
 18 A. Okay.
 19 Q. Take as much time as you need.
 01:31PM 20 A. *(The witness complied.)*
 21 Q. Does that refresh your recollection of what you
 22 told the police?
 23 A. It doesn't refresh my memory, you know. This is
 24 what the paper says, but it don't refresh my memory
 25 because I don't remember anything.

13

1 Q. Your signature is at the bottom of the statement,
 2 correct?
 3 A. Correct.
 4 Q. You remember going to the police department, or do
 5 you remember going to the police department to
 6 this?
 7 A. I really don't remember that too much. Now
 8 I remember talking to police. I remember police
 9 picking me up one day, you know, because I have
 01:36PM 10 nightmares of several things that happened to me
 11 from me being on drugs, you know, me finding dead
 12 bodies and different things like that, so pieces
 13 and pieces of things flash through my mind. You
 14 understand what I'm saying?
 15 Q. Okay. Let me stop you there.
 16 A. Okay.
 17 Q. We're going to get kind of off the course with
 18 other dead bodies.
 19 A. All right. All right.
 01:36PM 20 Q. My question for you: You made a statement to the
 21 police, correct?
 22 A. Apparently, yes.
 23 Q. You're not saying that you were never there or that
 24 never happened?
 25 A. No. I can't say I wasn't ever there.

14

1 Q. Okay. That's what I'm trying to establish with
 2 you.
 3 A. Okay.
 4 Q. You just read that, the contents of State's 45,
 5 correct?
 6 A. Yes.
 7 Q. And you understand what's in that?
 8 A. Yes, ma'am.
 9 Q. That, in State's 45, you tell the police that you
 01:37PM 10 saw the shooting, correct?
 11 MR. TONEY: Objection, Your Honor. May we
 12 approach?
 13 THE COURT: You may.
 14 *(Counsel approached the bench and the*
 15 *following proceedings were had.)*
 16 MR. TONEY: Your Honor, same objection.
 17 I don't--
 18 THE COURT: What is the objection?
 19 MR. TONEY: The objection is they're
 01:37PM 20 improperly impeaching her with a prior inconsistent
 21 statement that is not inconsistent because she's
 22 never said she didn't say it. They're trying to
 23 use it as an inconsistent statement, but there's
 24 nothing inconsistent.
 25 THE COURT: You can inquire an adverse

15

1 witness. Right?
 2 MS. PARSONS: Right.
 3 THE COURT: But you can't impeach your own
 4 witness.
 5 MS. PARSONS: With all due respect, I
 6 believe I have case law that says that I can do
 7 exactly that, Judge.
 8 THE COURT: With all due respect, I'd like
 9 to see it.
 01:37PM 10 MS. PARSONS: Oh, sure.
 11 Your Honor, in *State v. Patterson*, the
 12 exact same thing happened. The witness denied
 13 making it or couldn't remember it.
 14 *(Ms. Parsons passed a document to the*
 15 *Court.)*
 16 THE COURT: You haven't satisfied the
 17 foundation that this witness calls for.
 18 MS. PARSONS: And in *State v. Cravens*,
 19 it says that the legislature's passage of 491.074
 01:38PM 20 "ever gives the traditional common rule that a
 21 party cannot impeach his own witness with a prior
 22 inconsistent statement absent showing no surprise,"
 23 so I don't have to show that anymore. This is a
 24 2004 case.
 25 THE COURT: You still haven't satisfied

16

1 the foundation. She has not stated that the
 2 statement is true.
 3 MS. PARSONS: But she doesn't have to
 4 state the statement is true. She just--
 5 THE COURT: That's what the case says.
 6 MS. PARSONS: Well, this one in *Patterson*
 7 says it does not have to say that.
 8 THE COURT: Okay. Show me where it says
 9 you don't have to do that. Most cases, they have
 10 to prove that she made it and that it was true.
 11 MS. PARSONS: There are cases and then
 12 through the--
 13 THE COURT: Let me see the statement.
 14 (*Ms. Parsons complied.*)
 15 THE COURT: The statement she signs as the
 16 truth.
 17 MR. TONEY: Your Honor, she signs that
 18 statement, but the Court--
 19 THE COURT: Wait just a minute. I want to
 20 hear your objection. What she said so far is going
 21 to be overruled. Okay?
 22 MR. TONEY: Okay. Then I have nothing
 23 else to say.
 24 THE COURT: All right. Overruled.
 25 MS. PARSONS: Okay.

17

1 (*The proceedings returned to open court.*)
 2 Q. (*By Ms. Parsons*) All right, Miss Jones. Turning
 3 back to State's 45, again let me get my microphone
 4 situated, and my glasses. I think I'm all situated
 5 now. Now on the back page of State's Exhibit 45--
 6 Are we there?
 7 A. Yes.
 8 Q. The last thing, the first question says, "Will you
 9 read and sign the statement?"
 10 A. Huh?
 11 Q. Does that say that, "Will you read and sign the
 12 statement?" Do you see that question?
 13 A. Yes.
 14 Q. And your answer: "I have read the above statement
 15 which consists of four pages. I understand I'm
 16 signing it because it's the truth?"
 17 A. Yes. Apparently I did, yes. I did sign it.
 18 Q. Okay. In State's Exhibit 45, I want to talk to you
 19 about the contents of State's Exhibit 45.
 20 THE COURT: Excuse me.
 21 (*Counsel approached the bench and the*
 22 *following proceedings were had.*)
 23 THE COURT: Before you read the statement,
 24 you're going to have to have it marked and offered.
 25 MS. PARSONS: Okay. I thought I had to do

18

1 a little bit more foundation, but I can do that.
 2 THE COURT: All right.
 3 (*The proceedings returned to open court.*)
 4 MS. PARSONS: Your Honor, at this time the
 5 State would move to admit State's 45 into evidence
 6 as a prior inconsistent statement.
 7 MR. TONEY: Same objection as before, Your
 8 Honor.
 9 THE COURT: Overruled.
 10 (*State's Exhibit No. 45 was received into*
 11 *evidence.*)
 12 Q. (*By Ms. Parsons*) Okay. We're going to go through
 13 State's 45 a little bit with you. All right,
 14 ma'am?
 15 A. Okay.
 16 Q. The question, I want to go to the bottom of page 1.
 17 Are you with me?
 18 A. On the bottom of page 1 where it says "Q" or "A"?
 19 Q. "Q". We're starting with "Q", the question:
 20 "After you left the apartment complex, tell me what
 21 you observed happen on the street in front of the
 22 apartment."
 23 Is that the question?
 24 A. That's what--that's what it says.
 25 Q. The answer: "In front of the apartment I saw Puffy

19

1 standing out in front of the apartment with a brown
 2 hood like a sweatshirt jacket with both of his
 3 hands in his pocket. Tre went across the street to
 4 his car and pulled out guns. They started walking
 5 slowly towards the east, going towards Prospect. I
 6 was telling my home girl, Delisa, if that boy knew
 7 what he was doing, he would get off the corner.
 8 Then I started telling her how they had dissed me
 9 earlier and how they'd be acting a fool. That's
 10 when a trick pulled up and went up the street and I
 11 followed him. I followed him fast because that's
 12 when gunshots started like pow, pow, pow. Me and
 13 Delisa tried to jump in a car, but he wouldn't let
 14 Delisa in, and then I looked back and I saw Tre on
 15 the porch of the house at the corner of 29th and
 16 Wabash shooting at the dope dealer that was selling
 17 on the corner. He was running towards Fish Town.
 18 I saw Puffy standing in front of the apartment
 19 shooting at the same kid who was selling on the
 20 corner towards Fish Town. I got in the car and
 21 left with the trick."
 22 Is that your answer?
 23 A. That's what it says, yes.
 24 Q. Who is Puffy? Do you know?
 25 A. I'm-- It was a dope dealer.

20

1 Q. Okay.

2 A. A nickname or whatever. I can't remember his face

3 or nothing like that. I can't even remember, but I

4 remember the name "Puffy."

5 Q. Is he a different dope dealer than the defendant,

6 Tre?

7 A. Yeah. They're two different people.

8 Q. Okay. Who is Delisa? Do you remember?

9 A. A prostitute.

01:45PM 10 Q. Okay. Was she able-- Do you remember if she was

11 able to get in the car with you?

12 A. I don't remember that part, no.

13 Q. Okay. Then the next question they asked you:

14 "Describe what the car looked like that Tre got the

15 guns out of."

16 Your answer: "It's a black, old-school car.

17 It has clear windows to it and fancy gold wheels."

18 Is that your answer?

19 A. That's what it says, yes.

01:45PM 20 Q. "Question: How many guns did Tre get out of the

21 car?"

22 And the answer: "I know it was more than one

23 because he had two guns in his hands"?

24 A. Well, I'm not going to. I'm not going to say that

25 I know anything because I don't know what he got

21

1 out of the car because I don't remember.

2 Q. Right, but this is--

3 A. This is what this paper is saying that I said.

4 Q. Okay.

5 A. You understand what I'm saying? So, no, I'm not

6 going to say I, me, Felicia Jones. This person

7 today, I don't know what he got out of that car.

8 Q. Okay.

9 A. So I'm not going to lie under oath and say that.

01:46PM 10 What this paper is saying could have been something

11 that was coerced from me because I was on drugs at

12 the time. I'm not going to stand under oath and

13 say may I tell the truth, so help me God, and today

14 I'm living with God and I don't remember saying

15 none of this.

16 Q. That's fair.

17 A. You understand what I'm saying?

18 Q. I understand what you're saying.

19 A. I could have said anything to get me some crack.

01:46PM 20 Q. Okay, but my point is or the reason we're going

21 through this is that these are the questions and

22 these are your answers.

23 A. Yes, I can understand that, but it's kind of

24 frustrating because it's like it's being forced

25 down my throat this is what I'm saying, but I'm not

22

1 saying this. Today I don't know what I said two

2 and a half years ago.

3 Q. Right.

4 A. You understand what I'm saying?

5 Q. I understand.

6 A. The other thing I could have did because I was--

7 back then I know I was wanted. I was running from

8 police myself, so no telling I told whatever they

9 wanted me to tell now.

01:47PM 10 Q. Okay.

11 A. Okay? And I don't remember this. I don't remember

12 any of this.

13 Q. Okay.

14 A. I remember a whole different person than this piece

15 of paper is portraying. You understand?

16 Q. I got it. We're just going to go through this.

17 I'm certainly not asking you to violate your oath

18 at all, Miss Jones, and I appreciate what you're

19 telling me and this jury. Okay? What you're

01:47PM 20 telling them is you don't remember saying this.

21 A. No, I don't. No, ma'am.

22 Q. Okay. Next question: "When you saw Tre shooting

23 at the kid, can you describe what the gun looked

24 like?"

25 "No." Your answer: "I was in the car moving.

23

1 All I saw was little sparks coming from the gun

2 that Tre was holding."

3 The next question: "Do you know what kind of

4 gun Puffy had?"

5 "No, but it looked like something on the end of

6 it and it sounded like a paint gun."

7 Your answer, correct? Is this your answer?

8 A. Now that might. That sounds like something I'd say

9 because they'll usually always just kid with us,

01:48PM 10 you know. We'd come by and we'd stand out in front

11 of the apartment building and they used to shoot

12 the paint gun at us so we wouldn't want to be out

13 in the middle of the street now. You know, it was

14 just something crazy, you know, or if we dressed up

15 real nice, like, "I'm going to mess up your clothes

16 and shoot a paint gun." It was just, you know--

17 Q. Is that how it was then?

18 A. You know, that's what I'm saying, is I don't

19 remember anything that was so tragic, only one

01:48PM 20 person that I remember that was so tragic around

21 there, and that was old school Webb, his name was.

22 He was always threatening to shoot people, kill

23 people, some crazy stuff.

24 Q. Okay. Let's go through the next question.

25 A. But I don't remember all the other stuff.

24

1 Q. "Do you know how many shots were fired by Tre?"
 2 Your answer: "No."
 3 "Do you know how many shots were fired"--well,
 4 actually there's a typo, "were fired by Puffy," but
 5 I think that means "fired by Puffy."
 6 "It couldn't have been much because we didn't
 7 get all the way up to the stop sign and I didn't
 8 see Puffy no more."
 9 All right?
 01:49PM 10 "Question: Once the shooting started, did
 11 anyone else come out of the apartment building?"
 12 Your answer: "I don't know."
 13 "Did you actually see the victim make it to
 14 Fish Town?"
 15 "Answer: No. I did not see him make it to
 16 Fish Town because I got in the car and took off and
 17 I was going southbound."
 18 Do you remember the police showing you
 19 photographs?
 01:49PM 20 A. I remember police showing me some photographs of
 21 some people. I don't remember picking out no photo
 22 of Puffy, but you showed me a picture of him
 23 earlier, but I didn't remember how he looked even
 24 in the picture.
 25 But then I remember a picture, them showing me

25

1 of Tre again. They tell me his real name or the
 2 name they have him arrested under, and I told them
 3 yes, I knew him, but at first I couldn't hardly
 4 recognize him without the patch. I had to put a
 5 hand over one of his eyes.
 6 Q. Okay. I'm going to show you what I've marked as
 7 State's 66. Do you recognize this?
 8 A. Yeah.
 9 Q. And who is this?
 01:50PM 10 A. Tre.
 11 Q. In State's 66, what does Tre have on?
 12 A. He has a patch.
 13 Q. Is this how you knew him?
 14 A. Yeah.
 15 Q. Okay. So continuing on in State's 45, the police
 16 are showing you photographs of different people.
 17 You're telling the jury you kind of remember that?
 18 You kind of remember that process?
 19 A. Yeah. You know, they showed me so many different
 01:50PM 20 boys that was locked up or in the hood, you know,
 21 and stuff like that and wanted me to point them
 22 out, but I couldn't remember all of them, you know.
 23 Q. Okay. Do you remember what happened after you made
 24 the statement?
 25 A. After I made this statement?

26

1 Q. Yes.
 2 A. What do you mean?
 3 Q. Like how did it end? Were you arrested?
 4 A. No.
 5 Q. "No." Do you remember how you got home from the
 6 police department?
 7 A. Yeah, I can remember. I basically remember most of
 8 that. The detectives dropped me off.
 9 Q. Did they drop you off at home?
 01:51PM 10 A. I had no home, didn't have no home to drop me off
 11 at.
 12 Q. Okay. Well, did you tell them where to drop you
 13 off at?
 14 A. They dropped me off at a park.
 15 Q. Okay.
 16 A. They dropped me off at the park and gave me \$5.
 17 Q. Okay, and after that time you spoke to the
 18 detectives, was the next time that you talked to
 19 anyone else the lawyers in this case?
 01:51PM 20 A. I never talked to anyone else.
 21 Q. We're the lawyers. Well, not me. Another attorney
 22 and Mr. Toney. Do you remember talking to him?
 23 A. Oh. I remember talking to him one time. They took
 24 me on out count, brought me here on out count, and
 25 I talked to him.

27

1 Q. Okay.
 2 A. And I talked to a prosecutor and I told, like I
 3 told I don't remember anything--
 4 Q. Okay.
 5 A. --about anything.
 6 Q. I'm just trying to--
 7 A. I don't know if it was the first out count that I
 8 talked to him on or second out count, but they
 9 brought me on two out counts.
 01:52PM 10 Q. Let me stop you there. You're using terms we don't
 11 know.
 12 A. "Out count" means that you're in prison. They take
 13 you from prison. They bring you here for a quarter
 14 or whatever like that, but because you're on out
 15 count, that don't mean your time stops. That means
 16 your time still continues to roll.
 17 Q. Essentially, it's almost like a travel service.
 18 Someone picks you up in the penitentiary and brings
 19 you to the Jackson County Jail?
 01:52PM 20 A. Well, the penitentiary takes you from the
 21 penitentiary and brings you to Jackson County and
 22 again will come back and get you.
 23 Q. So the last time you were here, you were in
 24 custody?
 25 A. Yes.

28

1 Q. And now you're not?

2 A. No.

3 Q. Just a second.

4 Miss Jones, I don't have anything else for you
5 at this time.

6 THE COURT: Mr. Toney, you may inquire.

7 MR. TONEY: Thank you, Your Honor.

8 **CROSS-EXAMINATION**

9 **BY MR. TONEY:**

01:53PM 10 Q. Good afternoon, Miss Jones.

11 A. Good afternoon.

12 Q. The last time you and I spoke other than today
13 would have been October 26th of 2004, when they
14 brought you from Vandalia. You were in Vandalia,
15 right?

16 A. Uh-huh.

17 Q. Brought you from Vandalia, a women's penitentiary,
18 to the Jackson County Jail, correct?

19 A. Yeah.

01:54PM 20 Q. Okay, and on that day I just asked you to tell me
21 the truth about what you knew about this incident,
22 correct?

23 A. Yes.

24 Q. And you told me you had no memory of Keith Carnes
25 shooting at anybody? Is that correct?

29

1 A. Correct.

2 Q. You told me that for the month of October of 2003,
3 you don't remember much of anything because you
4 were using crack cocaine for a solid month every
5 day?

6 A. Yes.

7 Q. And that you didn't remember anything about that
8 incident because during the month of October of
9 2003, you probably only slept one week in that
10 entire month? Is that correct?

01:54PM 11 A. Correct.

12 Q. You also told me that you remember hearing gunshots
13 that day, but you don't remember anything about
14 seeing Keith shoot at anybody, correct?

15 A. Correct.

16 Q. Okay. You also told me that you had been suffering
17 from some mental health issues? Is that correct?

18 A. Correct.

19 Q. That you had bipolar disorder?

01:55PM 20 A. **Bipolar schizophrenic paranoia.**

21 Q. Okay. I was going to get into that. Okay. That
22 you had schizophrenia, which is a multiple
23 personality disorder?

24 A. Yes.

25 Q. And that you heard voices?

30

1 A. Yes.

2 Q. And that when you were using crack, you became
3 delusional and thought you saw things that you
4 really didn't see?

5 A. Correct.

6 Q. And at the time in October of 2003, you were using
7 crack extensively to drown out the voices in your
8 head?

9 A. Yes.

01:55PM 10 Q. Okay. Do you remember telling me that you thought
11 that the shooting that the police were talking to
12 you about occurred in the daytime?

13 A. No, I don't remember.

14 Q. Don't remember telling me that.

15 Do you remember telling me that your street
16 name back at the time was Dollar Bill?

17 A. Yes.

18 Q. Okay, and that you acquired the name of Dollar Bill
19 because of your ability to make money by selling
20 drugs?

01:56PM 21 A. **By selling drugs, no.**

22 Q. By using drugs? How did you get the name "Dollar
23 Bill"?

24 A. **It's I didn't let the money make me. I made it.**

25 Q. Okay.

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1 A. **And I was good at making money.**

2 Q. All right.

3 A. **And if somebody was hungry or somebody needed some
4 clothes or even they wanted drugs, I would buy
5 drugs for them and let them smoke it. You know
6 what I'm saying?**

7 Q. All right. So you had an ability to make money.
8 Were you also-- And I'm not trying to offend you.
9 I just want to go over the stuff that we talked
10 about.

01:57PM 11 A. **You can't. You can't offend me.**

12 Q. All right. You were also prostituting in that
13 area, correct?

14 A. Yes.

15 Q. Okay, and the statement that the prosecutor just
16 had you go over, in that statement on the second
17 page at the top, this paragraph right there, do you
18 recall-- I mean obviously you don't recall, but in
19 there, it says, "That's when a truck pulled up and
20 went up the street. I followed him"--

01:58PM 21 A. **Okay. What line?**

22 Q. We're like four lines down and I'm going to read it
23 to you. "That's when a truck pulled up and went up
24 the street and I followed him. I followed fast
25 because that's when the gunshots started like pow,

32

1 pow, pow. Me and Delisa tried to jump into the
 2 car, but he wouldn't let Delisa in and then when I
 3 looked back, I saw Tre on the porch."
 4 Do you even recall making that statement at
 5 all?
 6 A. No.
 7 Q. You indicated earlier that at the time, you were
 8 wanted by the police?
 9 A. Yes.
 01:58PM 10 Q. And you had warrants for your arrest?
 11 A. Yes, I did, at the time.
 12 Q. And when the police officers brought you in, you
 13 said in answering the prosecutor's questions that
 14 for all you know, they could have coerced you into
 15 making the statement?
 16 A. That's what I said. They could have.
 17 Q. Okay, and you also indicated that you know you had
 18 warrants, correct?
 19 A. Yes.
 01:59PM 20 Q. They took you in?
 21 A. *(The witness nodded her head.)*
 22 Q. Yes?
 23 A. Yes.
 24 Q. They had you sign a statement that you don't
 25 remember ever signing?

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1 A. No.
 2 Q. And then instead of arresting you on those
 3 warrants, they took you back to a park, let you go,
 4 and gave you \$5?
 5 A. Yeah.
 6 Q. Would you say that they did that because you had
 7 given them something that they wanted?
 8 MS. PARSONS: Objection. That calls for
 9 speculation.
 01:59PM 10 THE COURT: Excuse me. Approach the
 11 bench.
 12 *(Counsel approached the bench and the*
 13 *following proceedings were had.)*
 14 THE COURT: Let me make myself clear. I
 15 don't ever allow speaking objections. You do it at
 16 the bench.
 17 MS. PARSONS: I'm sorry, sir.
 18 Objection. That question calls for
 19 speculation on behalf of this witness, what do you
 01:59PM 20 think the police wanted.
 21 MR. TONEY: Well, Your Honor, I think she
 22 could testify as to--
 23 THE COURT: Wait just a minute. Respond
 24 to the objection.
 25 MR. TONEY: I don't think it calls for her

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1 to speculate. I think she can testify about--
 2 I'll rephrase the question and ask her if the
 3 police asked her anything when they gave her the \$5
 4 when they let her off.
 5 THE COURT: The objection is sustained.
 6 MR. TONEY: All right. Thank you.
 7 *(The proceedings returned to open court.)*
 8 Q. *(By Mr. Toney)* Felicia, do you-- I'm sorry.
 9 Miss Jones, I don't want to disrespect you. Do you
 02:00PM 10 remember the police saying anything to you when
 11 they gave you the \$5?
 12 A. No. They didn't say anything. I just got out.
 13 Well, no.
 14 Q. So would it be fair to say, Felicia, that you don't
 15 actually remember anything about any facts of that
 16 shooting that night?
 17 A. No, I don't.
 18 Q. And you're not here telling the ladies and
 19 gentlemen of the jury that you saw Keith Carnes
 02:01PM 20 shoot Larry White, are you?
 21 A. No. I didn't.
 22 Q. Okay.
 23 MR. TONEY: I don't have any other
 24 questions.
 25 MS. PARSONS: No redirect, Your Honor.

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1 THE COURT: Thank you. You may step down.
 2 *(Witness excused.)*
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REPORTER'S CERTIFICATE

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2
3 I, Patricia A. Manners, Certified Court
4 Reporter, certify that I am the official court
5 reporter for Division 11 of the Sixteenth Judicial
6 Circuit of Missouri, at Kansas City, Missouri; that
7 on Tuesday, April 19, 2005, I was present and
8 reported all of the proceedings in Division 70 in
9 STATE OF MISSOURI, Plaintiff, vs. KEITH L. CARNES,
10 Defendant, Case No. 16CR03006321. I further
11 certify that the foregoing 36 pages contain a true
12 and accurate transcription of the proceedings
13 regarding the testimony of Felicia Maria Jones.

14
15
16
17
18 Patricia A. Manners, CCR 320

19 Prepared July 22, 2005
20 on behalf of Mr. Willis Toney.
21 Copy ordered 8/23/05 by Ms. Dawn Parsons.
22 Copy prepared 8/26/05. (\$37.00)

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